



OKPOLICY.ORG

Oklahoma Policy Institute

REPAIRING OKLAHOMA'S BROKEN DEMOCRACY

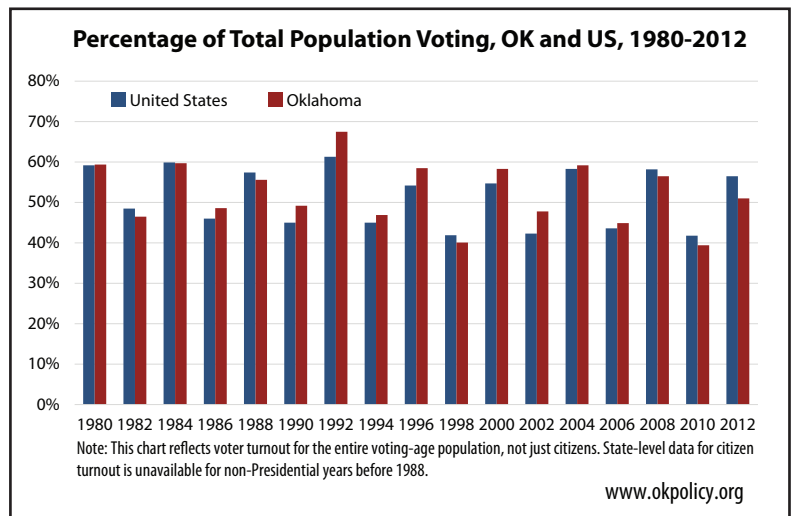
by David Blatt, Ph.D., Executive Director

In this year's Democratic primary runoff for State Superintendent of Instruction, Dr. John Cox handily defeated Dr. Freda Deskin, gaining 62.9 percent of the vote. It was a convincing victory, with one big caveat — the 60,377 votes received by Dr. Cox represented about 1 out of 15 (6.7 percent) registered Democratic voters in Oklahoma.

This is just one example among many of a serious breakdown of electoral participation in Oklahoma. Here are a few others:

- In one state legislative race this August, the primary run-off winner, who won automatic election to the legislature because he did not face a general election opponent, received a mere 395 votes.¹
- In this year's midterm elections, less than 30 percent of eligible voters made it to the polls to cast a ballot for Governor.²
- Oklahoma's voter turnout in the 2012 November Presidential election was just 52.4 percent, third worst in the nation.³ Only 66 percent of voting-age citizens in Oklahoma were even registered to vote, the nation's eighth lowest registration rate.
- Oklahoma was ranked 47th among the states for electoral performance in 2012, according to a study by the Pew Charitable Trusts.⁴ On a majority of indicators in the study, including voter registration, turnout, voting wait time, and registration or absentee ballot problems, Oklahoma ranked among the bottom third of states.

It hasn't always been like this. It is only within the last few election cycles that Oklahoma has plunged to the bottom rungs of voter engagement. In the 1992 Presidential election, 70.5 percent of eligible Oklahomans went to the polls, almost 3 percentage points above the national average and 23rd highest among the states. As late as 2004, Oklahoma's voter registration rate and turnout rate remained on a par with or just above the national average.



Many voices have lamented Oklahoma's declining electoral participation, but often the only solution offered is to exhort our friends, neighbors, and colleagues to be better citizens. Certainly, the decision on whether to vote or run for office is ultimately made by each individual and is affected by a variety of beliefs and circumstances. However, we must also recognize that many legal and institutional factors affect electoral participation. In particular, the electoral rules and practices established by Oklahoma's state lawmakers and officials are part of the reason why electoral participation is so low.

This issue brief begins by looking briefly at why the matter of electoral participation is an important one, before examining the signs of weakening political participation and representation in Oklahoma. We then consider some of the factors that may be hindering Oklahomans from participating fully in the electoral process and lay out a number of options to revive democracy in Oklahoma. We suggest that several proposals, including allowing online voter registration, producing and distributing voter information guides, moving to all mail-in elections or allowing permanent absentee-ballot status, easing ballot access for third party candidates and initiative petitions and eliminating the primary runoff are among the feasible reforms that could have a positive impact.

I. WHY IT MATTERS

Electoral participation is a cornerstone of representative democracy. The vote allows citizens to participate freely and fairly in the political process and ensures that elected officials stay accountable to their constituents. When citizens don't vote, their opinions and interests may go unrepresented. The vote is especially important for disadvantaged groups, such as low-income citizens, racial minorities, and those with disabilities, who have little capacity to hire lobbyists, donate to campaigns, or find other ways to exercise political influence. Yet, with some exceptions, these groups tend to have the lowest rates of voter turnout.

"Bad politicians are sent to Washington by good people who don't vote."
—William E. Simon (63rd U.S. Secretary of Treasury)

Declining electoral participation is also linked to the deepening polarization and divisions of American politics. Research has consistently found that moderates vote less frequently than staunch liberals or conservatives, especially in political primaries — though the most liberal and conservative members of the public together make up just 21 percent of the total U.S. population, they make up 34 percent of those who always vote in primaries.⁵

When turnout declines, the most partisan and ideological factions of both parties become a larger share of the electorate, and parties and candidates focus on appealing to their activist base, rather than a broader range of voters. This polarization has bred conflict and gridlock in Congress, which in turn leaves many voters even more cynical and disengaged from the political process.

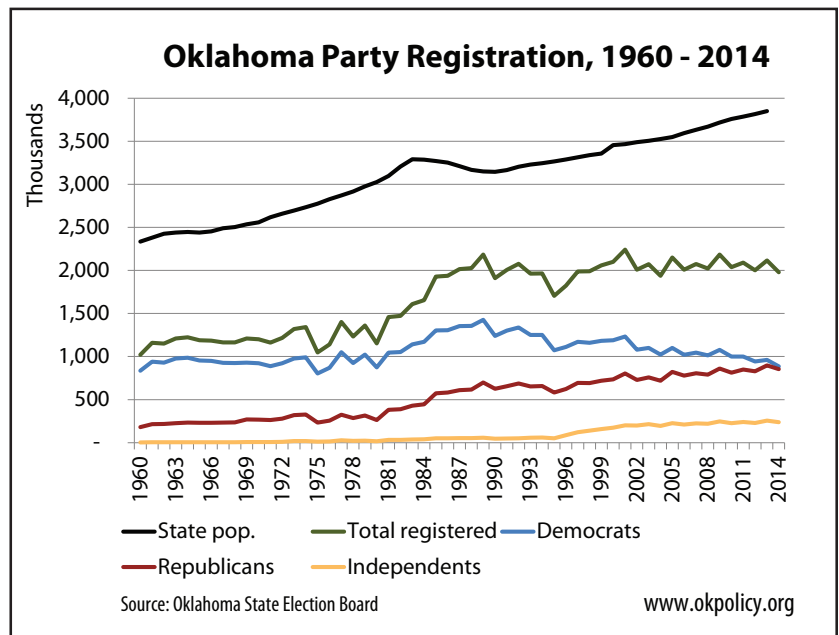
II. SIGNS OF ELECTORAL DECLINE

Oklahoma is showing numerous signs of declining electoral participation, including low voter registration, low voter turn-out, and uncontested elections. In addition, women, minorities, and blue-collar workers are severely underrepresented in the Oklahoma legislature compared to their share of the state's population as a whole.

A. Low voter registration

Oklahoma's voter registration rate – the percentage registered to vote among the total adult citizen population – was 66.1 percent in 2012, eighth lowest among the states, according to the US Census Bureau's voting and registration survey. In other words, one out of three eligible adults is not even registered to vote. Nationally, 71.2 percent of adult citizens were registered to vote in 2012, and in 12 states (including the District of Columbia) voter registration rates exceeded 75 percent.

Total voter registration in Oklahoma has remained almost flat for decades, even as the state population grows. Since 1988, Oklahoma's total population has grown by 680,000, or 22 percent.⁶ Yet there were fewer registered voters in January 2014 (1,978,812) than in January 1988 (2,026,625), according to State Election Board data.



Compared to 1994, the number of registered Democrats has fallen by 29 percent, while registration has increased by 30 percent for Republicans. The number of Independents, which started from a low baseline, has tripled since 1994, with Independents now representing 12 percent of registered voters as of January 2014.

B. Low voter turnout

Oklahoma's turnout among voting-age citizens in the 2012 Presidential election was just 52.4 percent, third worst behind only Hawaii and West Virginia.⁷ Turnout was down over 6 percentage points compared to the previous Presidential election in 2008, and by 18 percentage points since 1992, when Oklahoma's rate of voter turnout was in the top half of states. Nationally, turnout in 2012 was 61.8 percent, which was down 1.8 percentage points compared to 2008 and 6 percentage points compared to 1992.

Both nationally and in Oklahoma, voter turnout drops steeply in non-Presidential, or ‘midterm’ election years. In 2010, turnout was 40.4 percent, which was less than for all but four states and the lowest level in Oklahoma since at least 1980. We saw low turnout despite open, competitive races for Governor and most statewide offices. For this November’s Gubernatorial election, turnout plummeted even lower – the election saw over 210,000 fewer voters, or a drop of 20.4 percent, compared to 2010 and the turnout rate fell to 29.8 percent, according to data compiled by the U.S.

Election Project.⁸ Fewer competitive statewide races, fewer state questions, more uncontested legislative races, and the state’s general trend of declining turnout all likely played a role in dampening turnout in 2014.

In primary elections, turnout falls even lower. This June, there were 44 legislative primary races – 32 for the House (24 Republican and 8 Democratic primaries) and 12 for the Senate (8 Republican and 4 Democratic). In the Republican primaries, just over 30 percent of registered party voters cast ballots, while in the Democratic primaries, turnout was about 22 percent.⁹

In runoff elections held when no candidate wins a majority in the initial primary ballot, turnout sinks to its lowest levels. For the 16 runoff contests for state and federal office held in August 2014, average turnout was 18.1 percent and there was an overall drop of almost 33 percent between the initial primary and the runoff.¹⁰ For the two statewide Democratic runoff races, barely one in ten registered party members cast ballots.

C. Uncontested elections

A basic precept of democratic representation and accountability is that voters have the chance to choose their elected representatives from at least two candidates. In Oklahoma, that standard is being missed with alarming regularity.

This year, voters had a choice of general election candidates in only 36 of 101 House seats and 12 of 25 Senate seats.¹¹ In the Senate, nine candidates ran unopposed and four seats were settled in the party primaries. In the House, 51 candidates won election when no one filed to run against them, while 14 seats were settled in the party primaries. Among incumbent legislators seeking re-election, 50 of 83 in the House managed not to draw an opponent, while 7 of 15 incumbent Senators drew no opposition.

Among nine positions for statewide offices, three incumbents were unopposed in 2014 and two offices were settled in the Republican primary, leaving just four offices to be decided by the voters in November. Only in Congressional races did a clear majority of voters actually get a chance to cast a ballot this fall – both Senate seats and four out of five House seats drew candidates from both parties, as well as Independent candidates in most cases. However, only the 5th Congressional race proved competitive; in all the others, the Republican candidate won with at least two-thirds of the vote.

“This year voters had a choice of general election candidates in only 36 of 101 House seats and 12 of 25 Senate seats.”

D. Unrepresentative legislature

The Oklahoma Legislature does not look like Oklahoma. In particular, women, minorities (with the notable exception of Native Americans), and blue-collar workers are considerably underrepresented.

Mary Fallin currently serves as Oklahoma's first female Governor and is one of three female statewide elected officials. However, the 55th Oklahoma legislature, elected in 2014, will have just 19 female legislators – 13 Senators and 6 Representatives. This is a decline of one from 2013-14, when Oklahoma ranked 3rd last, behind only South Carolina and Louisiana, in female representation.¹² Only two of 27 newly elected legislators in 2014 are women.¹³ Oklahoma currently has no women in Congress.

The new legislature will have just five African-American members, one Hispanic member, the first in state history, and one Asian-American, also the first in state history.¹⁴ If the legislature reflected these groups' shares of the overall state population, there would be 11 African-American, 15 Hispanic and 3 Asian-American legislators.¹⁵

One bright spot is that Native Americans are well represented in the Legislature. In 2013, the bipartisan House Native-American caucus included 26 members, up from 19 in the previous legislature.¹⁶ (Data on the number of Native American Senators was unavailable). In addition, the only two Native American members of the U.S. Congress – Tom Cole and Mark Wayne Mullins – are Oklahomans.¹⁷

Blue-collar workers are also nearly invisible in the Oklahoma legislature. In the overall population, over 60 percent of Oklahomans work in blue-collar occupational categories.¹⁸ Yet only 1.2 percent of Oklahoma legislators were identified as non-managerial business employees, which would encompass such common jobs as construction workers, machinists, retail clerks, food service and hotel workers, barbers, and many more, according to a 2007 survey conducted by the National Conference of State Legislatures. This compares to almost 65 percent who were attorneys, business owners and executives, accountants, doctors, consultants, insurance and real estate professionals.¹⁹

III. WHAT CAN BE DONE

Many factors help account for Oklahoma's low and declining levels of electoral participation. These can be broadly divided into attitudes and beliefs and institutional barriers.

On the attitudinal side, many Americans choose not to vote or get involved in the political process out of lack of interest, cynicism, and distrust. They may not care about politics or know much, if anything, about the candidates, issues, and electoral process. They may have strong feelings that their vote doesn't really matter as politicians don't listen to people like them or that the process is rigged in favor of the wealthy and powerful. Growing partisanship, polarization, and gridlock in Washington; the prevalence of negative campaigning and advertising; gerrymandered electoral districts and uncompetitive races; the media focus on personality politics and scandal over substantive issues; and the growing influence of big money in campaigns all heighten voter cynicism and contribute to voter dislike of politicians and political campaigns.

These attitudes are real and important – in a 2008 Census Bureau survey, 50 percent of unregistered voting-age citizens stated that “they are not interested in the election or not involved in politics”, or “believed their vote wouldn’t make a difference”.²⁰ While there are many political reforms that could improve people’s attitudes about politics and make them more inclined to participate, in this brief we will focus on institutional obstacles to voting. We will present options for electoral reform in five categories, moving from most straightforward to most sweeping. The areas for possible reforms include:

- (A) Helping voters become more informed;
- (B) Making voting easier;
- (C) Making elections more competitive;
- (D) Changing the voting system;
- (E) Limiting the role of money in campaigns.

A. Making Voters More Informed

One reason some voters don’t vote is that they don’t feel well enough informed about the candidates or the issues.

In Oklahoma, the only information many voters get about elections is what they receive directly from candidates through mailers or paid advertising, or what is published in their local newspaper or by the League of Women Voters. Only the most active, engaged voters will be well informed about most of the choices on any given ballot; many will be unaware that an election is even taking place, especially primary elections, local elections, and other races that don’t fall on Election Day in November.

Other states are taking active steps to provide voters with electoral information. In at least 16 states, election officials are required by law to publish and distribute a voter information pamphlet.²¹ In nine states, voter pamphlets focus primarily on ballot measures, while in seven states, pamphlets include sample ballots, absentee ballot applications, candidate information, and more. California, for example, prepares and mails out to every registered voter both a sample ballot and an impartial voter information guide covering statewide propositions. The voter guide also provides statements from statewide candidates who have agreed to voluntary campaign spending limits.²²

Until recently, Oklahoma has also not done well in making electoral information readily available online. For example, the Pew Charitable Trusts, as part of their Election Performance Index rankings, looked at whether states provided five easy-to-access online tools.²³ Oklahoma was one of only five states that had less than two of these tools. In 2014, however, the state developed a new Online Voter Tool that allowed voters, once they enter their name and birthdate, to confirm their voter registration, identify their polling place, view a sample ballot, and track an absentee ballot.²⁴

B. Making Voting Easier

For some citizens, getting out to their local polling station on Election Day is a sacred civic right and responsibility that they will rarely, if ever, miss. For many other potential voters, however, a variety of obstacles can make it too much trouble to vote. When registered voters who did not cast a ballot in November 2008 were asked to explain why they hadn't voted, a majority cited some kind of procedural obstacle: too busy or conflicting schedules (17.5 percent), illness or disability (14.9 percent), out of town (11.3 percent), registration problems (6.0 percent), inconvenient polling place (2.7 percent), transportation problems (2.6 percent), or forgot to vote (2.6 percent). Many of those not registered to vote were similarly left out for procedural reasons, such as missing the registration deadline (14.7 percent) or not knowing how or where to register (4.2 percent).

States can implement reforms that minimize or eliminate all of these obstacles. Some ideas that are in place in at least some other states include:

SIMPLIFY AND EXTEND VOTER REGISTRATION:

As of 2012, 13 states allow voters to complete a voter registration application entirely online, without requiring that a form be printed out, mailed, or scanned, according to the Pew Charitable Trust's Election Performance Index. This is up from just two states that allowed online registration in 2008.²⁵ The Pew report notes:

Compared with traditional paper processes, online registration saves money, increases the accuracy of voter lists, and eliminates the need for manual data entry.

Online tools also are more convenient for voters, saving them a trip to a government agency or other organization and decreasing the likelihood of Election Day mix-ups.

Reasons Given for Not Voting, 2008	
Too busy, conflicting schedule	17.5%
Illness or disability	14.9%
Not Interested	13.4%
Did not like candidates or campaign issues	12.9%
Other reason	11.3%
Out of town	8.8%
Don't know or refused	7.0%
Registration problems	6.0%
Inconvenient polling place	2.7%
Forgot to vote	2.6%
Transportation problems	2.6%
Bad weather conditions	0.2%

Reasons Given for Not Registering, 2008	
Not interested in the election/ Not involved in politics	46.0%
Did not meet registration deadline	14.7%
Not eligible to vote	8.6%
Other	6.1%
Permanent illness or disability	6.0%
Don't know or refused	5.7%
Did not know where or how to register	4.2%
My vote would not make a difference	4.0%
Did not meet residency requirements	3.5%
Difficulty with English	4.1%

Source: US Census Bureau, Current Population Survey, November 2008

Most states require that voters be registered well in advance of the election. In Oklahoma, 2014 registration deadlines were 25 days ahead of the primary and general elections. For many potential voters, the deadline has already passed just as they are learning about and gaining interest in the upcoming election. However, ten states plus the District of Columbia have now adopted same-day voter registration, allowing any qualified resident of the state to go to the polls on Election Day, register that day by showing identification and proof of residency, and then vote.²⁶ Most states with same-day registration employ other safeguards to prevent fraudulent acts, including limiting where voters who aren't already registered may vote and checking voter identification against other databases.

EXTEND THE VOTING PERIOD:

For many voters, factors such as travel or work schedules, family responsibilities, illness or disability, or transportation issues can preclude or complicate getting to a polling station on Election Day. These obstacles are especially prevalent for Oklahomans with permanent disabilities and chronic health problems; those who don't have a car (predominantly low-income people and students), working single-parents who are trying to juggle complex schedules, and those who change residency frequently, who may be less likely to register at their new address or know where to vote. In Oklahoma, the absence of regular and reliable public transportation makes many potential voters especially dependent on having their own vehicles or getting a ride to the polls.

“The vote is the most powerful instrument ever devised by man for breaking down injustice and destroying the terrible walls which imprison men because they are different from other men.”
– President Lyndon B. Johnson

Oklahoma has taken some steps to facilitate voting for those unable to make it to the polls on Election Day. The state offers early in-person voting the Thursday, Friday and Saturday before an election. However, early voting is available only at a single location, the County Election Board office, which may be a considerable distance away and may not be accessible at all for those without a vehicle

A majority of states allow early in-person voting at least a week before an election, with many allowing votes to be cast 30-45 days in advance or as soon as ballots are printed.²⁷ The average early voting period among states that allow it is 33 days, according to the National Conference of State Legislatures.²⁸

Oklahoma also allows voters to request absentee ballots, without requiring a reason. In addition to applying for an absentee ballot at the county Election Board, voters can now request an absentee ballot and track the status of their ballot online.²⁹ Increasingly, civic organizations, advocacy groups and candidates are actively publicizing and facilitating absentee voting, for example by creating websites that allow you to apply online for an absentee ballot.³⁰

However, the Oklahoma legislature in 2012 put a serious obstacle in the way of absentee voting by requiring that a voter must get her or his absentee ballots notarized after it has been completed, and limiting each notary to twenty notarized ballots.³¹ Voters must also make a new request for an absentee ballot for each election; in 7 states plus the District of Columbia, voters can opt for ‘permanent absentee status,’ which means that they will automatically be mailed an absentee ballot for each election.³²

CONDUCT ELECTIONS BY MAIL:

Oregon became the first state to move to all-mail-in ballots for all elections in 1998, with Washington following in 2011 and Colorado in 2013. All-mail-in elections are conducted for certain elections in almost 20 additional states.³³

All-mail voting has the clear advantages of being less expensive and administratively simpler to operate, while saving voters time and hassle. It eliminates problems associated with voters not knowing where to vote or showing up at the wrong polling station, or turning away when there are long lines at the polls. All-mail voting can also address some of the disparity issues that currently hinder voter turnout for certain categories of voters, such as working parents or those with chronic health conditions. It is less certain how a move to all-mail voting affects overall turnout. The three states that have done away with in-person voting entirely already allowed their residents to be permanent absentee voters, so the change was less dramatic than it would be in Oklahoma. One study in California found that all-mail elections may increase voter turnout in local special elections but not in higher-turnout general elections, while a Washington State study found that voting by mail made no difference in voter turnout.³⁴



Oregon became the first state to move to all mail-in ballots in 1998. Photo by Chris Pham.

ELIMINATE LEGAL OBSTACLES:

In 2010, Oklahoma approved State Question 746, which added a voter identification requirement for in-person voting. Oklahoma’s voter identification law is less stringent than some states in that it allows for a voter registration card in lieu of picture ID and allows voters to cast provisional ballots based on a sworn statement.³⁵ However, some voters who may be legally eligible to cast a vote may be dissuaded from going to the polls if they don’t possess or are not carrying a photo ID.

Oklahoma bars felons from voting for the full length of their sentence, even if they’ve been released on probation or parole. As of 2010, about 1.8 percent of Oklahomans (51,491 people), and 6.6 percent of African Americans (13,526 people) were unable to vote due to felon disenfranchisement.³⁶ Many other ex-felons are unaware that they are eligible to vote after the end of their full sentence, in some cases because they have been given mistaken information from prison officials, fellow inmates, or even county election officials.³⁷ Supporters of re-enfranchisement of felons point to studies that have linked it to lower

recidivism rates and emphasize the principle that those who are living in the community should be full and equal citizens.³⁸ At least nine states allow some people with felony convictions to vote even prior to completing their sentence.³⁹

Other ideas that the state could consider to make voting easier could include creating a system of free election-day transportation, sending out text message reminders to registered voters, moving primaries to Saturday, and making Election Day a statutory holiday.

C. Making elections more competitive

THIRD-PARTY BALLOT ACCESS:

Oklahoma has the nation's most restrictive ballot access laws for third parties, which gives voters fewer choices and discourages participation among those who don't register or identify as Democrats or Republicans.

To get on the ballot in Oklahoma:

- A political party needs to: a) earn at least 10 percent of the vote for the office at the top of the ticket in the last general election (i.e., president or governor), or b) submit a petition signed by a number of voters equal to 5 percent of the last vote cast for the office at the top of the ticket (more than 66,000 valid signatures in 2014).⁴⁰ No other state has a threshold higher than 3 percent of the last Gubernatorial vote. The one upside of the low turnout in the 2014 midterm election is that the threshold for qualifying for the ballot in 2016 will be lower than it has been in a long while – just over 40,000 signatures.
- An independent presidential candidate, or the presidential candidate of an unqualified party, may get on the ballot with a petition of 3 percent of the last presidential vote. Oklahoma is the only state in the nation in which an independent presidential candidate, or the presidential candidate of a new or previously unqualified party, needs support from more than 2 percent of the last vote cast to get on the ballot.⁴¹

In the 2012 general election, Oklahoma was the only state in the nation where voters had just two choices for President.

In each of the past three elections, Oklahoma voters could choose from only two candidates for President. In no other state in 2012 did fewer than three Presidential candidates qualify for the ballot and Oklahoma was one of only two states which kept Libertarian Party candidate Gary Johnson off the ballot.⁴² In a majority of states, Green Party candidate Jill Stein and Constitution Party candidate Virgil Goode were also on the ballot.⁴³

Oklahomans for Ballot Access Reform and other advocates have worked for years to loosen Oklahoma's restrictive ballot access laws and break the two-party duopoly on official recognition.⁴⁴ In 2013, the legislature considered two bills to make it easier for third parties to get on the ballot.

- HB 2134, authored by Rep. Jeff Hickman, initially would have lowered the threshold for gaining party recognition to 5,000 signatures, the requirement that was in place before the threshold of signatures equal to 5 percent of votes cast in the most recent general election was adopted in 1974. After being amended to change the threshold from 5 to 2.5 percent, HB 2134 died in conference committee.
- SB 668, would simply have tied the 5 percent signature threshold for party recognition to the number of votes cast in the last election for Governor, rather than for President. It passed the Senate but failed to get a hearing in the House.

In addition to lowering the signature threshold for getting on the ballot, reform supporters point to other undue obstacles that limit ballot access for third party candidates. For example, the petition pages for third party Presidential candidates may only contain signatures from voters in a single county, which hampers signature gathering at public events.

The fact that Jeff Hickman, who authored the stronger reform bill in 2013, is now House Speaker may give some grounds for optimism for ballot access advocates. At the same time, in a recent interview with OETA, State Republican Party Chair Paul Weston stated that he believes that Oklahoma's current ballot access thresholds "are just fine where they are."⁴⁵



Photo by Brandon Dimcheff used under a Creative Commons License.

OPEN PRIMARIES:

The closed primary system is another feature of Oklahoma's electoral system that restricts voter choices. In Oklahoma, all primary elections are restricted to registered party voters. This means that registered Independents, who now make up 13.2 percent of all Oklahoma voters, have no voice in selecting which candidates will appear on the general election ballot.⁴⁶

Less than half of all states currently operate closed primary systems.⁴⁷ Eighteen states operate open primaries, which permit any registered voter to cast a vote in any primary, regardless of his or her political affiliation. The other states operate some kind of a hybrid system, which can vary enormously between parties, between states, or even within states for different elections. Some states allow only unaffiliated, or independent, voters to vote in either party's primaries, known as "semi-closed primaries." Others allow for open primaries in cases where candidates from only one party file for office and the primary will determine who is elected.

Two bills introduced in Oklahoma in 2014 - HB2551 and SB1578 - would have opened up primary elections to members of other parties and to Independent voters if the only candidates for a seat are on a single party's primary ballot. Both bills were sent to the Rules Committee and never received a hearing.

One interesting aspect to Oklahoma's closed primary system is that under current law, political parties can choose to allow Independents to vote in their party primaries.⁴⁸ Between November 1st and 30th of every odd-numbered (non-election) year, Oklahoma's state party chairs can notify the election board that Independents will be allowed to vote in their party primaries for the next two years. If one party opts to allow Independents to vote, then the other party is given an extended deadline to decide whether to also allow Independents in their primaries.⁴⁹

INITIATIVE PETITION REQUIREMENTS:

Turnout in Oklahoma is also dampened by strict requirements for placing a citizen-led initiative on the ballot. The signature requirement for a ballot measure is a percentage of the vote cast in the last election for Governor: 15 percent for a constitutional amendment, 8 percent for a statutory amendment, and 5 percent for a veto referendum.⁵⁰ Signature-gatherers are also subject to many other constraints, including a 90-day window for gathering signatures and a prohibition on employing out-of-state signature-gatherers.

As a result of these restrictions, only four initiative petitions have qualified for the ballot since 1998, and only one (SQ 687, which banned cockfighting) has succeeded. Several other efforts, including an initiative to 2008 to reduce the number of signatures needed to form a recognized party (SQ 740), have failed to collect enough signatures or run into legal obstacles. In 2014, three initiative petition drives – two involving marijuana and one involving funding for school storm shelters – all fell far short of collecting the 155,000 signatures needed to make it onto the ballot.⁵¹ This has led to renewed calls to lower the threshold to make it easier to qualify initiative petitions for the ballot and to extend the period in which signatures may be gathered.

Even without a change in the law, the sharp drop in voter turnout in the 2014 Gubernatorial election will automatically lower the signature threshold for getting an initiative petition on the ballot over the next four years.

D. Reforming the Electoral System

Frustration with low voter turnout and with various features of electoral competition in Oklahoma have prompted some to call for more fundamental reforms, including changes to the current electoral system. Among possible reforms:

ELIMINATING THE PRIMARY RUNOFF:

Oklahoma is one of only nine states, all in the South, that hold primary run-off elections when no candidate wins more than 50 percent of the vote in the initial primary. As noted earlier, turnout in Oklahoma's primaries in 2014 dropped steeply between the first and second round of voting in the 16 races which

were decided in a runoff. This year was far from anomalous: a study conducted by the Center for Voting and Democracy of all primary runoffs in federal House and Senate elections from 1994 to 2012 found that

“Although our interests as citizens vary, each one is an artery to the heart that pumps life through the body politic, and each is important to the health of democracy.” – Journalist Bill Moyers

turnout decreased in 96.4 percent of all primary runoffs, with an average turnout decline of 35.6 percent.⁵²

In addition to low turnout, runoff races drive up the cost of elections substantially for candidates and taxpayers. The Election Board estimates that this year’s runoff election cost the state of Oklahoma \$800,000 to \$1 million, with additional costs incurred by the counties.⁵³

There are several reforms to the runoff system that could be considered. The simplest option is to lower the runoff threshold to 40 percent from the current 50 percent. That would still ensure that a fringe candidate could not be nominated with 15 – 20 percent of the primary vote in a crowded primary field,

while reducing the number of races that go to a runoff. This year in Oklahoma, in just six initial primary contests did no candidate receive 40 percent of the vote.

A second option, currently in effect with some variation in California, Washington and Louisiana, has all candidates, regardless of party, appear on a single initial ballot. In California and Washington, the top two vote getters in the primary election advance to the general election. In Louisiana, if no candidate gets 50 percent in the general election, a run-off is held in December. Although placing all candidates on a single ballot would seem to expand voter choices, in practice, it seems to make it even harder for independent and third-party candidates to be competitive and has led to even lower voter turnout.⁵⁴

A final alternative, one that is widely favored by electoral experts and democracy advocates, is the instant-runoff, known also as transferable vote or preferential voting. In an instant-runoff system, currently used in several American cities and a number of foreign democracies, voters rank candidates in order of preference. If no candidate achieves a majority among first choices, the bottom-ranked candidate is eliminated and their voters’ ballots are distributed to their second or subsequent choice, until a majority is achieved.

Instant-runoff elections improve the democratic process by allowing voters to more fully express their electoral preferences. It also encourages candidates to engage a broader range of voters, knowing that victory may depend on being the second preference of voters who support other candidates. In that way, instant runoff primaries might discourage negative campaigning.

While switching to an instant runoff system would involve start-up costs to update the state’s voting machines, the switch would likely pay for itself within just a few election cycles in savings from doing away with separate runoffs every two years.

ADOPTING PROPORTIONAL REPRESENTATION:

Oklahoma currently has a single-member plurality electoral system, in which each seat in the legislature is won by the candidate who receives the most votes in the general election. In single-member plurality systems, legislative representation tends to be restricted to candidates and parties that appeal to a broad section of the population, while excluding or limiting representation for viewpoints that may represent a significant segment of voters but that is unable to generate a majority within any one district.

In the United States, the single-member plurality system has been seen to solidify the long-standing dominance of the two major parties and exclude the emergence of third-party candidates and parties. The system encourages tactical voting, where many voters are discouraged from voting for their preferred candidate if that candidate is not seen as standing a good chance of winning, and instead voting for one of the major party candidates who has better prospects. As Ryan Kiesel argues on the OK Policy Blog, the need to gain support from broad swaths of the electorate can lead legislators and candidates to avoid taking difficult positions and can leave dissenting viewpoints unrepresented.⁵⁶

The major alternative to the single-member plurality voting system is proportional representation, which is in effect in a majority of democratic nations and some two dozen American cities. There are many variations of proportional representation, but one version supported by the Center for Voting and Democracy combines multi-member districts or “super districts” and a single-transferable vote, known as choice voting, similar to the instant primary run-off described above. In such a system, each voter would rank candidates in order of preference, with votes for the last-place candidate transferred up to his or her voters’ next choice until a number of candidates that is equal to the number of seats in that district reach the electoral threshold.⁵⁷

Under the multi-member district system proposed by Kiesel, the Oklahoma House of Representative could be divided into twenty districts that each elect five candidates. The voting system would greatly increase the odds of independent and third-party candidates winning at least some seats, along with members of the minority party in each area (Democrats in Republican strongholds, Republicans in Democratic strongholds) being able to elect at least one candidate to represent them. With more competitive elections, more viable candidates, and a better chance of having your vote count, more voters would likely be motivated to vote.

REFORMING THE ELECTORAL COLLEGE:

One explanation for declining voter turnout in Oklahoma may be the growing trend for both major parties to concentrate their electoral resources on the most competitive states in Presidential elections in an attempt to build a 271-vote majority in the Electoral College. The emphasis on “swing states” has meant that states like Oklahoma, which are dominated by a single party in Presidential contests, are virtually ignored by the national parties when it comes to investing resources in party-building and get-out-the-vote efforts.

In recent years, a serious bipartisan effort has emerged to change the method for electing the President. Under a proposal known as the National Popular Vote (NPV), the candidate for whom the most

popular votes are cast across the United States would be elected President.⁵⁸ (While the Electoral College would be formally retained under NPV, each state's electors would be obliged to cast their votes for the Presidential candidate winning the most votes nationally). As of November 2014, National Popular Vote legislation has been enacted by 10 states and the District of Columbia possessing 165 electoral votes in the current Electoral College. The proposal will take effect if it is adopted by states representing 270 electoral college votes.

As the Nonprofit Voter Engagement Network has argued, "If every citizen's vote in all 50 states was sought after by candidates, more eligible voters by a large factor – in the millions – would participate in presidential years."⁵⁹

In 2004, legislation to adopt the National Popular Vote (SB 906) was approved by the Oklahoma State Senate by a vote of 28-18.⁶⁰ However, the proposal met with fierce opposition from some conservatives, who regard the NPV as contrary to established constitutional principles and protections.⁶¹ SB 906 was never heard by a House committee.

E. Limiting the role of money

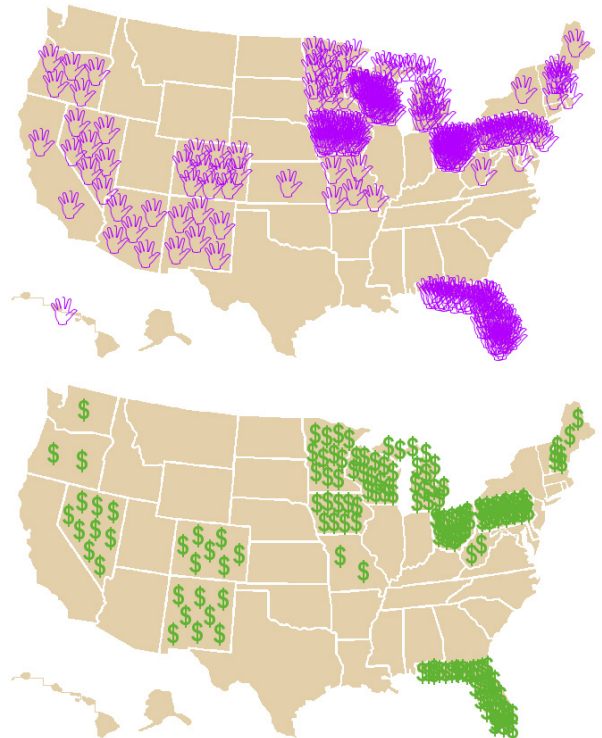
For many Americans, cynicism and distrust about politics is closely tied to concerns about the outsized role that campaign contributions play in elections and the political process. When Oklahoma Policy Institute asked our readers why so many Oklahomans don't vote, the role of money was frequently cited. In an OK Policy blog post, Dr. Randal Burris wrote:

Large monetary contributions from a small number of very wealthy individuals leaves the average person with a sense that his or her voice matters very little, and that elections are bought and sold by narrow special interests with little regard to the needs and wants of the electorate.⁶²

Another Oklahoman commented on our blog:

The constant barrage of attack ads and the robocalls just wears me out...I get emails daily from both parties for money. We have tried for years to get the money out of politics and it only appears to be a bigger problem now. Many voters have just tuned it out. People can only have so much drama or shark frenzy in their lives.⁶³

Oklahoma and other Non-Swing States are Ignored in Presidential Elections



Maps showing the number of candidate visits and millions of dollars spent on TV advertising by state in the five weeks prior to the 2004 Presidential election. Graphic by ChrisHouston via Wikipedia.

While dismay over the role of private money is widespread, the options for addressing the issue are limited, especially at the state level. Dr. Burris, in his blog post, argues for “public financing of campaigns sufficient to at least mount a credible campaign” and for “requiring broadcast entities, which are publicly licensed, to air a certain number of political campaign ads during prime time at no cost, without regard to party.”

Some two dozen states provide some form of public funding for election campaigns; Oklahoma, had allowed a small (\$100) income tax deduction for campaign contributions, but this was repealed by the Legislature in 2013.⁶⁴ Some states provide matching funds to candidates or public grants to political parties. Full public funding of election campaigns for both statewide legislative and executive races is in place in three states – Arizona, Maine and Connecticut – while another four states provide full public funding for statewide races only. In these Clean Election states, the campaigns of candidates who voluntarily choose to participate in public financing programs are financed solely with public funds; these candidates are prohibited from raising funds from private sources.

After gaining momentum in the 1990s and early 2000s, the movement for state and local public funding of elections has stalled. Clean Election proposals have been defeated in California, Alaska, Oregon and New Jersey. In 2006, the US Supreme Court struck down large parts of a Vermont law on campaign contribution limits, while in 2011, the U.S. Supreme Court overturned Arizona’s Clean Election law, ruling that prohibition on accepting private campaign contributions as a requirement of receiving public funds was unconstitutional.⁶⁵ In the wake of the Arizona ruling, North Carolina has eliminated public funding for judicial races.⁶⁶

In addition to political and legal obstacles, there does not appear to be clear research to show that campaign finance reforms serve to boost voter participation.

CONCLUSION

This discussion has addressed a wide range of factors that contribute to low levels of electoral participation in Oklahoma and identified many possible reforms that would facilitate more people voting and running for office. While some of these reforms would involve fundamental changes in Oklahoma’s electoral system, others would be more incremental and modest. In many cases, the more sweeping the reform, the more likely it would be to run up against concerted opposition from the state’s powerful political actors, whether elected officials, state parties, or well-funded interest groups.

Of the options presented, those that might be broadly popular and politically feasible include publishing and distributing voter information pamphlets; allowing for online voter registration; adopting all-mail elections or allowing for permanent absentee-ballot status; lowering the barriers for third parties to get on the ballot, and ending the run-off primary election.

Together these reforms have the potential to create a better informed and more highly engaged electorate and to reverse the state’s trends towards declining electoral participation.

Our most fervent hope is less that any particular reforms we have outlined here will be adopted but rather that more policymakers will acknowledge the seriousness of declining political participation in Oklahoma and work to address the problem. Unless Oklahoma can find a way to reinvigorate our democracy and get more citizens engaged in the political process, we will have little chance of solving the great substantive challenges we face as a state.

*“Just because you do not take an interest in politics doesn’t mean politics won’t take an interest in you.” –
-Attributed to Ancient Greek Statesman Pericles*

SUMMARY OF OPTIONS FOR BOOSTING ELECTORAL PARTICIPATION

Make Voters More Informed

PUBLISH AND DISTRIBUTE VOTER INFORMATION PAMPHLETS

Make Voting Easier

ALLOW FOR ONLINE VOTER REGISTRATION

ALLOW SAME-DAY VOTER REGISTRATION

EXTEND EARLY VOTING PERIOD

ALLOW FOR PERMANENT ABSENTEE-BALLOT STATUS

ADOPT ALL-MAIL ELECTIONS

ELIMINATE VOTER ID REQUIREMENTS

ALLOW POST-INCARCERATION FELONY OFFENDERS TO VOTE

Make elections more competitive

EASE THE REQUIREMENTS FOR ALLOWING POLITICAL PARTIES AND PRESIDENTIAL CANDIDATES TO GET ON THE BALLOT

OPEN UP PRIMARY ELECTIONS TO INDEPENDENT VOTERS

LOWER THE SIGNATURE THRESHOLD FOR INITIATIVE PETITIONS

Reform the Electoral System

ADOPT AN INSTANT RUN-OFF, OR SINGLE-TRANSFERABLE BALLOT, FOR PRIMARY ELECTIONS

ADOPT MULTI-MEMBER DISTRICTS ELECTED BY PROPORTIONAL REPRESENTATION

ADOPT THE NATIONAL POPULAR VOTE FOR PRESIDENTIAL ELECTIONS

Limit the role of money

ADOPT PUBLIC FUNDING OF ELECTIONS

REFERENCES

1. Oklahoma election results from Oklahoma State Election Board. "Election Results." http://www.ok.gov/elections/Election_Info/Election_Results/index.html
2. New York Times. "The Worst Voter Turnout in 72 Years." November 11, 2014. http://www.nytimes.com/2014/11/12/opinion/the-worst-voter-turnout-in-72-years.html?_r=0
3. Unless otherwise noted, all historical voter registration and turnout data cited in this brief is from the United State Census Bureau, which conducts a biannual Voting and Registration Supplement as part of its November Current Population Survey. The data includes state-level registration and voting rates by age and ethnicity. The biannual reports and detailed tables can be accessed at: <http://www.census.gov/hhes/www/socdemo/voting/publications/p20/index.html>
4. Pew Charitable Trusts. April 2014. "Election Performance Index." <http://www.pewtrusts.org/en/multimedia/data-visualizations/2014/elections-performance-index#state-OK>
5. See for example Pew Research Center for the People and the Press. June 2014. "Political Polarization and the American Public." <http://www.people-press.org/2014/06/12/political-polarization-in-the-american-public/> and Paul Steenkiste. September 2014. "The Effect of Voter Turnout on Political Polarization." <http://cacs.org/research/effect-voter-turnout-political-polarization/#one>
6. U.S. Census Bureau. "Population Estimates: Historical Estimates." <http://www.census.gov/popest/data/historical/index.html>
7. See note 3
8. See note 2
9. District registration data by party was supplied by the State Election Board and is available at <https://www.dropbox.com/s/2fr81v8gdh5k98g/registration%20by%20district828.pdf?dl=0> For election turnout data, see State Election Board. "2014 Election Results." http://www.ok.gov/elections/Election_Info/Election_Results/2014-ElectionResults.html
10. Oklahoma Policy Institute. September 2014. "Time to Off the Runoff?" <http://okpolicy.org/time-reform-run>
11. The Oklahoman. September 2014. "Federal, statewide and legislative elections decided before the Nov. 4 general election." <http://newsok.com/federal-statewide-and-legislative-races-decided-before-the-nov.-4-general-election/article/5337870>
12. National Conference of State Legislatures. November 2013. "Women in State Legislatures: 2013 Legislative Session." <http://www.ncsl.org/legislators-staff/legislators/womens-legislative-network/women-in-state-legislatures-for-2013.aspx>
13. Oklahoma Policy Institute. November 2014. "Oklahoma fails to make gain electing women and people of color." <http://okpolicy.org/oklahoma-fails-make-gains-electing-women-people-color>
14. Oklahoma Watch. October 2014. "At State Capitol, barely a murmur of Hispanic voice." <http://oklahomawatch.org/2014/10/10/at-state-capitol-barely-a-murmur-of-hispanic-voices/> and News9.com. November 2014. "First Asian-American Elected to Oklahoma Legislature." <http://www.news9.com/story/27293487/first-asian-american-elected-to-oklahoma-legislature>
15. United States. Census Bureau. State and County Quick Facts: Oklahoma." <http://quickfacts.census.gov/qfd/states/40000.html>
16. Associated Press. February 2013. "Okla. Native-American Caucus elects new leaders." <http://www.kxii.com/news/ok/headlines/Okla-Native-American-Caucus-elects-new-leaders-191262511.html> and Oklahoma Coalition of Tribes. "The Native American Caucus of the Oklahoma House of Representatives." www.okcoalitiontribes.org/resources/ok+tribal+caucus.pdf
17. Wikipedia. November 2014 "Members of the United State Congress." http://en.wikipedia.org/wiki/Members_of_the_111th_United_States_Congress#Native_Americans
18. Henry Kaiser Family Foundation. "State Health Facts: Workers by Occupational Category." <http://kff.org/other/state-indicator/blue-and-white-collar-workers/>
19. National Conference of State Legislatures. "Legislator Demographics." <http://www.ncsl.org/research/about-state-legislatures/legislator-demographics.aspx>
20. This data is part of the same survey discussed in Note 3.
21. National Conference of State Legislatures. November 2013. "Voter Information: Varied State Requirements." <http://www.ncsl.org/research/elections-and-campaigns/voter-information-state-approaches.aspx>
22. The California Voter Foundation. November 2014 "California Online Voter Guide." <http://calvoter.org/voter/elections/2014/general/index.html>
23. See note 4. <http://www.pewtrusts.org/en/multimedia/data-visualizations/2014/elections-performance-index#indicatorProfile-OLT>
24. State Election Board. October 2014. "Online Voter Tool." http://www.ok.gov/elections/Voter_Info/Online_Voter_Tool/
25. See Note 4. <http://www.pewtrusts.org/en/multimedia/data-visualizations/2014/elections-performance-index#indicatorProfile-AOR>
26. National Conference of State Legislatures. May 2014. "Same Day Voter Registration." <http://www.ncsl.org/research/elections-and-campaigns/same-day-registration.aspx>
27. Long Distance Voter. September 2014. "Early Voting Calendar." http://www.longdistancevoter.org/early_voting_calendar#.VEf9pBZK4s5

REFERENCES (CONTINUED)

28. National Conference of State Legislatures. October 2014. "Absentee and Early Voting." <http://www.ncsl.org/research/elections-and-campaigns/absentee-and-early-voting.aspx#early>
29. Oklahoma State Election Board. October 2014. "Absentee Ballot Applications." http://www.ok.gov/elections/Voter_Info/Request_Absentee_Ballot/index.html
30. See, for example, BadVoter.org. <http://www.badvoter.org/votebymail>
31. Oklahoma Secretary of State. "Notarized Services." <https://www.sos.ok.gov/notary/default.aspx#SB1466> ("SB 1466, signed by the Governor on April 9, 2012, limits the number of absentee ballot affidavits a notary public may acknowledge to twenty, unless written approval is obtained from the secretary of the county election board. It also requires notaries to keep a log of all absentee ballot affidavits they notarize for at least two years after the date of the election.")
32. See Note 28.
33. National Conference of State Legislatures. July 2014. "All-Mail Elections (aka Vote by Mail)." <http://www.ncsl.org/research/elections-and-campaigns/all-mail-elections.aspx>
34. Joshua Alvarez. July 2014. "Does All-Mail Voting Have an Impact on Election Turnout?" <http://ivn.us/2014/07/25/mail-voting-impact-voter-turnout/> and Seattle Times. August 2011. "Voting by mail fails to increase turnout." http://seattletimes.com/html/localnews/2015886916_voting12m.html
35. National Conference on State Legislatures. October 2014. "Voter Identification Requirements | Voter ID Laws." <http://www.ncsl.org/research/elections-and-campaigns/voter-id.aspx>
36. The Sentencing Project. July 2012. "State-Level Estimates of Felon Disenfranchisement in the United States, 2010." http://www.sentencingproject.org/doc/publications/fd_State_Level_Estimates_of_Felon_Disen_2010.pdf
37. See The Oklahoman. August 2006. "Felons can vote again. Many don't know rules." <http://newsok.com/felons-can-vote-again-many-dont-know-rules/article/2834331>
38. See Oklahoma Policy Institute. June 2013. "Felons and the right to vote." <http://okpolicy.org/felons-and-the-right-to-vote>
39. American Civil Liberties Union. ND. "Map of State Criminal Disenfranchisement Laws." <https://www.aclu.org/maps/map-state-criminal-disfranchisement-laws>
40. Wikipedia. July 2014. "Ballot Access." http://en.wikipedia.org/wiki/Ballot_access and Oklahomans for Ballot Access Reform. <http://okvoterchoice.org/>
41. Wikipedia. July 2014. "Ballot Access." http://en.wikipedia.org/wiki/Ballot_access
42. The other was Michigan, where Johnson was excluded because he had appeared on the Republican primary ballot. However, Libertarian Party candidates appeared on the ballot for all other offices.
43. See Oklahomans for Ballot Access Reform. <http://okvoterchoice.org/>
44. See Oklahoma Policy Institute. March 2013. "Evidence mounts for Oklahoma ballot access reform (Zachary Knight)." <http://okpolicy.org/evidence-mounts-for-oklahoma-ballot-access-reform-guest-blog-zachary-knight>
45. Oklahomans for Ballot Access Reform. October 2014. "OETA Reports on Major Party Unwillingness to Share Elections with Alternative Parties." <http://okvoterchoice.org/2014/10/oeta-reports-on-major-party-unwillingness-to-share-elections-with-alternative-parties/>
46. Oklahoma State Election Board. November 2014. Voter Registration Reports: November 2014." http://www.ok.gov/elections/documents/reg_0114.pdf
47. This paragraph based on The Center for Voting and Democracy. February 2012. "Congressional and Presidential Primaries; Open, Closed, Semi-Closed and Top Two." <http://www.fairvote.org/research-and-analysis/presidential-elections/congressional-and-presidential-primaries-open-closed-semi-closed-and-top-two/>
48. See Okiefunk. October 2013. "Should State Democrats Embrace Independents in Primary, Runoff Elections." <http://okiefunk.com/node/1312>
49. State of Oklahoma. 2014. "Oklahoma Statutes: Title 26, Section 261101" <http://statutes.laws.com/oklahoma/Title26>
50. Ballotpedia. ND. "Laws governing the initiative process in Oklahoma." http://ballotpedia.org/Laws_governing_the_initiative_process_in_Oklahoma
51. The Oklahoman. October 2014. "Backers of Oklahoma pot, shelter initiatives fall short of signature requirement." <http://newsok.com/backers-of-oklahoma-pot-shelter-initiatives-fall-short-of-signature-requirement/article/5358646>
52. The Center for Voting and Democracy. June 2013. "Federal Primary Runoff Elections and Voter Turnout Decline, 1994-2012." <http://www.fairvote.org/research-reports/federal-primary-runoff-elections-and-voter-turnout-declines-1994-201/>
53. News9.com. August 2014. "Cost of Oklahoma runoffs debated." <http://www.news9.com/story/26377512/cost-of-oklahoma-runoff-elections-debated>
54. The Center for Voting and Elections. June 2014. "Fix the Top Two Primary: Admirable Goals Don't Justify Indefensible Outcomes." <http://www.fairvote.org/research-and-analysis/blog/fix-the-top-two-primary-admirable-goals-dont-justify-indefensible-outcomes/>

REFERENCES (CONTINUED)

55. See Wikipedia. November 2014. Instant-runoff voting.” http://en.wikipedia.org/wiki/Instant-runoff_voting
56. Center for Voting and Democracy. ND. “Fair Voting/Proportional Representation.” <http://www.fairvote.org/reforms/fair-representation-voting/>
57. Center for Voting and Democracy. ND. “How choice voting works.” <http://www.fairvote.org/reforms/fair-representation-voting/choice-voting/how-choice-voting-works/>
58. National Popular Vote website. <http://www.nationalpopularvote.com/>
59. Nonprofit Voter Engagement Network. ND. “American Goes to the Polls: A Report on Voter Turnout in the 2006 Elections.” <http://www.nonprofitvote.org/documents/2010/10/america-goes-to-the-polls-2006-pdf.pdf>
60. ThinkProgress. February 2014. “Oklahoma Senate Endorses Plan to Effectively Abolish the Electoral College.” <http://thinkprogress.org/justice/2014/02/14/3294001/oklahoma-national-popular-vote/>
61. See for example, Batesline. February 2014. “Betrayal: Oklahoma Senate Passes National Popular Vote Bill.” <http://www.batesline.com/archives/2014/02/national-popular-vote-oklahoma.html>
62. Oklahoma Policy Institute. October 2014. “Ideas for improving representative democracy in Oklahoma (Randal Burris).” <http://okpolicy.org/ideas-improving-representative-democracy-oklahoma-guest-blog-dr-randal-burris>
63. Elaine Courtright. October 2014. “Response to ‘Broken Democracy Part II: What’s getting in the way of voting?’” <http://okpolicy.org/broken-democracy-part-ii-obstacles-electoral-participation>
64. For surveys of state Clean Election laws, see Ballotpedia. ND. “Public financing of campaigns.” http://ballotpedia.org/Public_financing_of_campaigns and National Conference of State Legislatures. January 2013. “Public Financing of Campaigns Overview.” <http://www.ncsl.org/research/elections-and-campaigns/public-financing-of-campaigns-overview.aspx>
65. Arizona’s Free Enterprise Club’s Freedom Club PAC et al. v. Bennett, Secretary of State of Arizona,
66. Wikipedia. July 2014. “Publicly funded elections.” http://en.wikipedia.org/wiki/Publicly_funded_elections



OKPOLICY.ORG

Better Information, Better Policy

907 S Detroit Ave, #1005
Tulsa, OK 74120
(918) 794-3944
info@okpolicy.org

Oklahoma Policy Institute (OK Policy) is a non-profit organization that provides information, analysis and ideas on state policy issues.

David Blatt, Ph.D., is Executive Director of Oklahoma Policy Institute. He can be reached at dblatt@okpolicy.org.